

Department of Energy

§ 727.5

**PART 727—CONSENT FOR ACCESS  
TO INFORMATION ON DEPART-  
MENT OF ENERGY COMPUTERS**

Sec.

727.1 What is the purpose and scope of this part?

727.2 What are the definitions of the terms used in this part?

727.3 To whom does this part apply?

727.4 Is there any expectation of privacy applicable to a DOE computer?

727.5 What acknowledgment and consent is required for access to information on DOE computers?

727.6 What are the obligations of a DOE contractor?

AUTHORITY: 42 U.S.C. 7101, *et seq.*; 42 U.S.C. 2011, *et seq.*; 50 U.S.C. 2425, 2483; E.O. No. 12958, 60 FR 19825, 3 CFR, 1995 Comp., p. 333; and E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391.

SOURCE: 71 FR 40884, July 19, 2006, unless otherwise noted.

**§ 727.1 What is the purpose and scope of this part?**

(a) The purpose of this part is to establish minimum requirements applicable to each individual granted access to a DOE computer or to information on a DOE computer, including a requirement for written consent to access by an authorized investigative agency to any DOE computer used in the performance of the individual's duties during the term of that individual's employment and for a period of three years thereafter.

(b) Section 727.4 of this part also applies to any person who uses a DOE computer by sending an e-mail message to such a computer.

**§ 727.2 What are the definitions of the terms used in this part?**

For purposes of this part:

*Authorized investigative agency* means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

*Computer* means desktop computers, portable computers, computer networks (including the DOE network and local area networks at or controlled by

DOE organizations), network devices, automated information systems, or other related computer equipment owned by, leased, or operated on behalf of the DOE.

*DOE* means the Department of Energy, including the National Nuclear Security Administration.

*DOE computer* means any computer owned by, leased, or operated on behalf of the DOE.

*Individual* means an employee of DOE or a DOE contractor, or any other person who has been granted access to a DOE computer or to information on a DOE computer, and does not include a member of the public who sends an e-mail message to a DOE computer or who obtains information available to the public on DOE Web sites.

*User* means any person, including any individual or member of the public, who sends information to or receives information from a DOE computer.

**§ 727.3 To whom does this part apply?**

(a) This part applies to DOE employees, DOE contractors, DOE contractor and subcontractor employees, and any other individual who has been granted access to a DOE computer or to information on a DOE computer.

(b) Section 727.4 of this part also applies to any person who uses a DOE computer by sending an e-mail message to such computer.

**§ 727.4 Is there any expectation of privacy applicable to a DOE computer?**

Notwithstanding any other provision of law (including any provision of law enacted by the Electronic Communications Privacy Act of 1986), no user of a DOE computer shall have any expectation of privacy in the use of that DOE computer.

**§ 727.5 What acknowledgment and consent is required for access to information on DOE computers?**

An individual may not be granted access to information on a DOE computer unless:

(a) The individual has acknowledged in writing that the individual has no expectation of privacy in the use of a DOE computer; and